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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/758,143

Applicant(s)

KAZAR ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 1, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Title*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: ~~Year-Round Decorative Lights with Addressable Color-Controllable LED Nodes for Selectable Holiday Color Schemes.~~

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

The Examiner respectfully suggests amending the abstract to read:

~~A decorative lighting apparatus has user-selectable color schemes corresponding to several holidays for year-round use. In one illustrative example, the decorative lighting apparatus includes a decorative light strand having a plurality of addressable color-controllable red-green-blue (RGB) light-emitting diode (LED) nodes positioned therealong; a decorating selector which provides a plurality of user-selectable switch settings; control circuitry; and memory. The memory stores data for a plurality of holiday color schemes, here each holiday color scheme is associated with one or more different holiday colors. The control circuitry is operative to illuminate the addressable color-controllable RGB LED nodes along the decorative light strand with a different holiday color scheme for each user-selectable switch setting. For each different holiday color scheme, the control circuitry selects from the memory stored holiday color data associated with a user-selectable switch setting and sends the holiday color data over one or more data lines to addressable color-controllable RGB LED nodes associated with LED node address data. Preferably, the plurality of holiday color schemes include color schemes~~

for most major U.S. holidays including Christmas, Valentine's Day, St. Patrick's Day, Easter, Independence Day, and Halloween.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**204**” has been used to designate both “*logic/control circuitry*” (page 6, lines 14) and “*output lines*” (page 6, lines 27). In addition, note reference character “**706**”, used to designate “*housing*” (page 12, lines 23) and “*exposed switch portion*” (page 12, lines 23).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g). Correction is required.

4. Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

Art Unit: 2875

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities:

- line 6 should read "a control circuitry"; and
- line 7 should read "a memory".

Appropriate correction is required.

6. Claim 20 is objected to because of the following informalities:

- line 6 should read "a control circuitry"; and
- line 7 should read "a memory".

Appropriate correction is required.

7. Claim 21 is objected to because of the following informalities: lines 2 and 3 should read "schemes further include at least two color schemes **selected** from the following list **group consisting of**: Easter, Mardi Gras, and Cinco De Mayo".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5, 7 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over KRAMER (U.S. Pat. 3,789,211) in view of KAZAR (U.S. Pat. 5,008,595).
9. KRAMER discloses a decorative lighting system having:
- **a decorative light strand (as recited in claims 1 and 14), Figure 5, reference numbers 20A-20C;**
  - **the strand capable of being hanged by an end user (as recited in Claim 1), inherent;**
  - **a plurality of addressable light sources (as recited in claims 1 and 14), Figure 5, reference numbers 22A-22C;**
  - **the light sources being color-controllable (as recited in claims 1 and 14), column 4, lines 12-19;**
  - **the light sources being red-green and blue light sources (as recited in claims 1, 14 and 16), column 4, lines 10-12;**
  - **the light sources forming nodes along the decorative light strand (as recited in claims 1 and 14), as seen in Figure 5;**

- **a control circuitry (as recited in claims 1 and 14), as seen in Figure 3;**
- **a memory (as recited in claims 1 and 15), inherent;**
- **the memory being for storing data for a color schemes (as recited in claims 1 and 15), inherent;**
- **the color scheme being associated with a holiday (as recited in Claim 1), column 3, line 28;**
- **the color scheme being associated with one or more different colors (as recited in Claim 1), column 3, lines 24-34;**
- **the control circuitry sending the color data over one or more data lines to the light source nodes (as recited in Claim 1), column 3, lines 49-53;**
- **the control circuitry illuminating the light source nodes with a color scheme in response to a switch setting (as recited in claims 1, 14 and 17), as evidenced by Figure 3;**
- **a housing (as recited in Claim 5), inherent;**
- **the control circuitry and the memory being located in the housing (as recited in Claim 5), inherent;**
- **at least some color schemes being associated with two or more different colors (as recited in claims 7, 17 and 18), column 4, lines 10-12; and**



- **the different colors being illuminated in a repeated interleaved pattern along the decorative light strand (as recited in claims 7 and 18), column 4, lines 12-16.**

10. KRAMER discloses all the limitations of the claims, except:

- the light sources being light emitting diodes (as recited in Claim 1);
- the light emitting diodes (LED) being red-green-blue LED (as recited in claims 1 and 14);
- a plurality of color schemes (as recited in claims 1 and 14);
- a decorating selector (as recited in claims 1 and 14);
- the selector providing a plurality of user-selectable switch settings (as recited in claims 1 and 14); and
- the control circuit selecting, from the memory, color data for a color scheme associated with a user-selectable switch setting (as recited in claims 1 and 15).

11. KAZAR discloses a decorative lighting system having:

- **a decorative light strand (as recited in Claim 1), as seen in Figure 1;**
- **the strand capable of being hanged by an end user (as recited in Claim 1), inherent;**
- **a plurality of addressable light emitting diodes (as recited in Claim 1), as seen in Figure 15;**

Art Unit: 2875

- **the light emitting diodes (LED) being color-controllable (as recited in Claim 1), column 2, lines 53-57;**
- **the LED being red-green-blue LED (as recited in Claim 1), as evidenced in column 2, lines 57-59;**
- **the light sources forming nodes along the decorative light strand (as recited in Claim 1), as seen in Figure 15;**
- **a control circuitry (as recited in Claim 1), as seen in Figures 9 and 10;**
- **a memory (as recited in Claim 1), inherent;**
- **the memory being for storing data for a plurality of color schemes (as recited in Claim 1), as evidenced in column 3; lines 3-12;**
- **each color scheme being associated with at least one holiday (as recited in Claim 1), as evidenced by column 1, lines 50-60;**
- **the color scheme being associated with at least one different color (as recited in Claim 1), column 2, lines 47-59;**
- **a decorating selector (as recited in Claim 1), as evidenced by column 3, lines 6-12;**
- **the selector providing a plurality of user-selectable switch settings (as recited in Claim 1), as evidenced by column 3, lines 6-12;**

- **the control circuit selecting, from the memory, color data for a color scheme associated with a user-selectable switch setting (as recited in Claim 1), as evidenced by column 5, lines 24-29;**
- **the control circuitry sending the color data over one or more data lines to the LED nodes (as recited in Claim 1), as seen in Figure 12; and**
- **the control circuitry illuminating the LED nodes with the color scheme in response to the user-selectable switch setting (as recited in Claim 1), as evidenced by column 3, lines 6-12.**

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of KRAMER and KAZAR to obtain a decorative illumination device having a plurality of addressable RGB LED and control means capable of providing selectable color schemes, as per the teachings of both KRAMER (column 1, lines 24-54) and KAZAR (column 1, lines 31-68).

13. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over KRAMER (U.S. Pat. 3,789,211) in view of KAZAR (U.S. Pat. 5,008,595).

14. KRAMER and KAZAR disclose individually, or suggest in combination, all the limitations of the claimed invention, except:

- the plurality of holiday color schemes including at least four different U.S. holiday color schemes (as recited in Claim 2);

Art Unit: 2875

- a Christmas holiday color scheme having the colors red and green (as recited in claims 3 and 4);
- a Halloween holiday color scheme having the color orange (as recited in claims 3 and 4);
- an Independence Day holiday color scheme having the color white (as recited in Claim 3);
- an Independence Day holiday color scheme which consists of the colors red, white, and blue (as recited in Claim 4);
- a Valentine's Day holiday color scheme which includes the color red (as recited in Claim 4); and
- a St. Patrick's Day holiday color scheme which includes the color green (as recited in Claim 4).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed color schemes, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). In this case, KAZAR discloses a user-programmable controller 101 (Figure 2), programming such controller to produced a given light color scheme would have flown naturally to one of ordinary skill in the art as desired or necessitated by the specific requirements of a particular application.

16. Method claims 8-13 were considered as inherently disclosed, or suggested by the combined teachings of KRAMER and KAZAR (as detailed above).

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over KRAMER (U.S. Pat. 3,789,211) in view of KAZAR (U.S. Pat. 5,008,595) as applied to Claim 1 above, further in view of LOWE et al. (U.S. Pat. 6,424,096).

18. KRAMER and KAZAR disclose individually, or suggest in combination, all the limitations of the claimed invention, except a wireless receiver which is coupled to the control circuitry, and a wireless remote controller having the decorating selector which provides the plurality of user-selectable switch settings.

19. LOWE et al. discloses a decorative illumination device having:

- **a decorative light strand (as recited in Claim 1), Figure 1, reference number 10;**
- **the strand capable of being hanged by an end user (as recited in Claim 1), inherent;**
- **a control circuitry (as recited in Claim 1), as seen in Figure 2;**
- **a decorating selector (as recited in Claim 1), Figure 1, reference number 46;**
- **the selector providing a plurality of user-selectable switch settings (as recited in Claim 1), inherent;**

- **a wireless receiver (as recited in Claim 6),** Figure 1, reference number 38;
- **the receiver being coupled to the control circuitry (as recited in Claim 6),** as seen in Figure 2;
- **a wireless remote controller (as recited in Claim 6),** Figure 1, reference number 44;
- **the controller having the decorating selector (as recited in Claim 6),** as seen in Figure 1.

20. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the wireless remote controller/receiver structure of LOWE et al. into the decorative illumination apparatus of KRAMER and KAZAR, to provide such apparatus with means for remotely controlling and selecting a the illumination schemes, as per the teachings of LOWE et al. (see column 2, lines 44-54).

21. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over KRAMER (U.S. Pat. 3,789,211) in view of KAZAR (U.S. Pat. 5,008,595) and LOWE et al. (U.S. Pat. 6,424,096).

22. KRAMER discloses a decorative lighting system having:

- **a decorative light strand (as recited in Claim 20),** Figure 5, reference numbers 20A-20C;

- **the strand capable of being hanged by an end user (as recited in Claim 20), inherent;**
- **a plurality of addressable light sources (as recited in Claim 20), Figure 5, reference numbers 22A-22C;**
- **the light sources being color-controllable (as recited in Claim 20), column 4, lines 12-19;**
- **the light sources being red-green and blue light sources (as recited in Claim 20), column 4, lines 10-12;**
- **the light sources forming nodes along the decorative light strand (as recited in Claim 20), as seen in Figure 5;**
- **a control circuitry (as recited in Claim 20), as seen in Figure 3;**
- **a memory (as recited in Claim 20), inherent;**
- **a housing (as recited in Claim 20), inherent;**
- **the control circuitry and the memory being located in the housing (as recited in Claim 20), inherent;**
- **the memory being for storing data for a color schemes (as recited in Claim 20), inherent;**
- **the color scheme being associated with a holiday (as recited in Claim 20), column 3, line 28;**
- **the control circuitry sending the color data over one or more data lines to the light source nodes (as recited in Claim 20), column 3, lines 49-53;**

- **the control circuitry illuminating the light source nodes with a color scheme in response to a switch setting (as recited in Claim 20), as evidenced by Figure 3;**
- **at least some color schemes being associated with two or more different colors (as recited in Claim 22), column 4, lines 10-12; and**
- **the different colors being illuminated in a repeated interleaved pattern along the decorative light strand (as recited in Claim 22), column 4, lines 12-16.**

23. KRAMER discloses all the limitations of the claims, except:

- the light sources being light emitting diodes (as recited in Claim 1);
- the light emitting diodes (LED) being red-green-blue LED (as recited in Claim 20);
- a plurality of color schemes (as recited in Claim 20);
- the color schemes including at least Christmas, Independence Day, Halloween, Valentine's Day and St. Patrick's Day (as recited in Claim 20);
- a decorating selector (as recited in Claim 20);
- the decorating selector having a keypad (as recited in Claim 20);
- the keypad providing a plurality of user-selectable switch settings (as recited in Claim 20);



Art Unit: 2875

- the control circuit selecting, from the memory, color data for a color scheme associated with a user-selectable switch setting (as recited in Claim 20);
- at least ten color schemes (as recited in Claim 20);
- the color schemes including at least two color schemes selected from the group consisting of Easter, Mardi Gras, and Cinco De Mayo (as recited in Claim 21);
- the color schemes include a plurality of sports team color schemes (as recited in Claim 23);
- the keypad being carried in the housing (as recited in Claim 24);
- a wireless receiver (as recited in Claim 25);
- the receiver being coupled to the control circuitry (as recited in Claim 25);
- a wireless remote controller (as recited in Claim 25); and
- the remote controller having the keypad (as recited in Claim 25).

24. KAZAR discloses a decorative lighting system having:

- **a decorative light strand (as recited in Claim 20)**, as seen in Figure 1;
- **the strand capable of being hanged by an end user (as recited in Claim 20)**, inherent;
- **a plurality of addressable light emitting diodes (as recited in Claim 20)**, as seen in Figure 15;

- **the light emitting diodes (LED) being color-controllable (as recited in Claim 20), column 2, lines 53-57;**
- **the LED being red-green-blue LED (as recited in Claim 20), as evidenced in column 2, lines 57-59;**
- **the light sources forming nodes along the decorative light strand (as recited in Claim 20), as seen in Figure 15;**
- **a control circuitry (as recited in Claim 20), as seen in Figures 9 and 10;**
- **a memory (as recited in Claim 20), inherent;**
- **the memory being for storing data for a plurality of color schemes (as recited in Claim 20), as evidenced in column 3, lines 3-12;**
- **each color scheme being associated with at least one holiday (as recited in Claim 20), as evidenced by column 1, lines 50-60;**
- **the color scheme being associated with at least one different color (as recited in Claim 20), column 2, lines 47-59;**
- **a decorating selector (as recited in Claim 20), as evidenced by column 3, lines 6-12;**
- **the selector providing a plurality of user-selectable switch settings (as recited in Claim 20), as evidenced by column 3, lines 6-12;**

- **the control circuit selecting, from the memory, color data for a color scheme associated with a user-selectable switch setting (as recited in Claim 20), as evidenced by column 5, lines 24-29;**
- **the control circuitry sending the color data over one or more data lines to the LED nodes (as recited in Claim 20), as seen in Figure 12; and**
- **the control circuitry illuminating the LED nodes with the color scheme in response to the user-selectable switch setting (as recited in Claim 20), as evidenced by column 3, lines 6-12.**

25. LOWE et al. discloses a decorative illumination device having:

- **a decorative light strand (as recited in Claim 20), Figure 1, reference number 10;**
- **the strand capable of being hanged by an end user (as recited in Claim 20), inherent;**
- **a control circuitry (as recited in Claim 20), as seen in Figure 2;**
- **a decorating selector (as recited in Claim 20), Figure 1, reference number 46;**
- **the decorating selector having a keypad (as recited in Claim 20), Figure 1, reference number 46;**
- **the keypad providing a plurality of user-selectable switch settings (as recited in Claim 20), inherent;**

- **a wireless receiver (as recited in Claim 25)**, Figure 1, reference number 38;
- **the receiver being coupled to the control circuitry (as recited in Claim 25)**, as seen in Figure 2;
- **a wireless remote controller (as recited in Claim 25)**, Figure 1, reference number 44;
- **the controller having the decorating selector (as recited in Claim 25)**, as seen in Figure 1.

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of KRAMER, KAZAR and LOWE et al. to obtain a decorative illumination device having a plurality of addressable RGB LED and control means capable of providing selectable color schemes, as per the teachings of both KRAMER (column 1, lines 24-54) and KAZAR (column 1, lines 31-68), such decorative illumination device having means for remotely controlling and selecting a the color schemes, as per the teachings of LOWE et al. (see column 2, lines 44-54).

27. Regarding the claimed invention having the claimed color schemes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed color schemes, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). In this case, KAZAR discloses a user-programmable

Art Unit: 2875

controller 101 (Figure 2), programming such controller to produced a given light color scheme would have flown naturally to one of ordinary skill in the art as desired or necessitated by the specific requirements of a particular application.

### ***Relevant Prior Art***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Bednarz** (U.S. Pat. 4,264,845), **Gray et al.** (U.S. Pat. 5,629,587), **Mueller et al.** (U.S. Pat. 6,150,774), **Dowling et al.** (U.S. Pat. App. Pub. 2002/0048169), **Matsui et al.** (U.S. Pat. App. Pub. 2003/0072153), **Pan** (U.S. Pat. App. Pub. 2003/0137851) and **Fullarton** (U.S. Pat. 6,686,701) disclose various decorative illumination devices having a plurality of multicolored light source in addressable arrays.

**Stinson** (U.S. Pat. 4,992,704) discloses a multicolor-LED having a red light die, a blue light die and a green light die within a single LED housing.

### ***Conclusion***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-

2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**

  
Inr

September 20, 2005